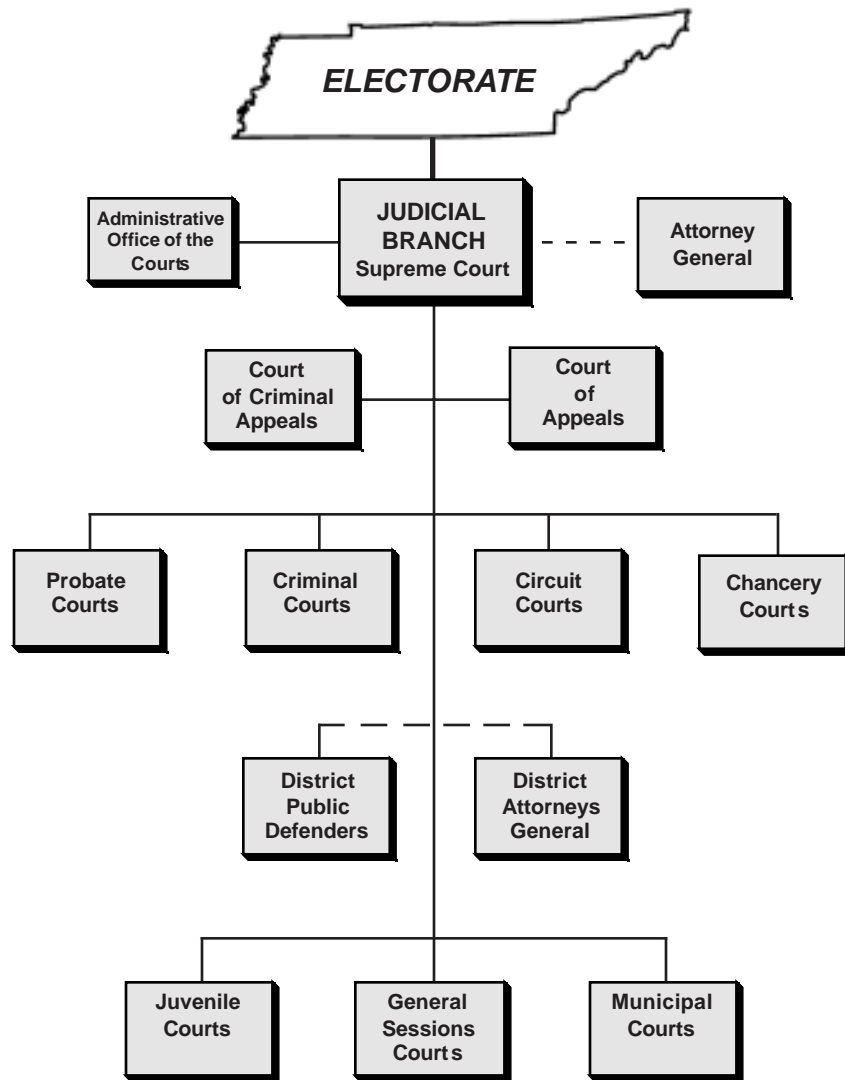




SECTION III



Judicial Branch



INTRODUCTION

The judicial branch, one of the three basic divisions of state government, serves as a check on the powers of both the legislative and executive branches. Through the power of judicial review, the courts rule on the constitutionality of legislation passed by the General Assembly and consider the legality of administrative policies and regulations.

Tennessee's judicial system is derived from a constitutional foundation: "The judicial power of this state shall be vested in one Supreme Court and in such Circuit, Chancery, and other inferior courts as the legislature shall from time to time ordain and establish ..." (Article VI, Section 1, Constitution of the State of Tennessee).

Although not a part of the court system, the offices of the attorney general, district attorneys general, and district public defenders are associated with the judicial branch of state government. The attorney general represents the interests of the state in civil litigation. The thirty-one district attorneys serve as prosecuting counsel in criminal cases. Public defenders and court-appointed private attorneys represent indigent defendants, primarily in criminal cases.

The Supreme Court is the highest court in the state. The five justices are nominated by the Judicial Selection Commission, appointed by the governor and retained by a "yes-no" vote for eight-year terms. The majority of this court's workload consists of cases appealed from lower state courts.

The Intermediate Appellate Courts—the Court of Appeals and Court of Criminal Appeals—hear civil and criminal cases appealed from the trial courts.

The state's Trial Courts include Chancery, Criminal, Circuit, and Probate Courts. Judges in these courts are chosen by popular election within their judicial districts.

The fourth level of courts in Tennessee is composed of the Courts of Limited Jurisdiction—General Sessions, Juvenile, and Municipal Courts. These courts are funded by their respective counties.